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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/627,910

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James E. Staargaard

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EXAMINER

NORDMEYER, PATRICIA L

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

07/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/627,910	Applicant(s) STAARGAARD ET AL.	
	Examiner Patricia L. Nordmeyer	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22, 24, 26 and 29-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22, 24, 26 and 29-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Repeated Rejections

1. The 35 U.S.C. 103(a) rejection of claims 22, 24, 26 and 29 – 33 over Berthelsen (USPN 3,470,598) in view Riegelman (USPN 5,634,306) in the office action dated November 19, 2007 is repeated as Applicant's arguments in the response dated May 19, 2008 are found to be unpersuasive. The rejection is repeated below for Applicant's convenience.

Berthelsen discloses an integral plastic and metal part (Column 1, lines 13 – 15; Figure 1) comprising a metal component (Figure 1, O_R) and having a first opening defining edges (Figure 1, holes on one side of the casing) and a second opening opposite said first opening (Figure 1, the folded edge on the part labeled O_R) and a plastic component disposed about a portion of said exterior of said metal component (Figure 1, O_B), a portion of said plastic material disposed through said first opening including a flange extending beyond said edges of said lower opening and into said interior of said metal component for section said plastic component to said metal component (Figures 1 and 13, wherein the flanges are any plastic that flowed through the holes in the metal strip) plastic component not covering said second opening folded (Figure 3, E₃, wherein the second opening is the open end of the U), wherein said plastic component includes at least one integrally formed connection member extending outwardly therefrom, said at least one connection member having an area defining at least one connection portion formed therein, wherein said at least one connection portion is operable to received a fastening member so as to permit said plastic component to be fastened to at least one another component (Figure 13, 15) as in claim 22. With regard to claim 24, the flange is rectangular (Figure 1 and 13, E₁₄). As in

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claim 26, the plastic part includes ribs (Figure 1, the rectangular extension on the lower part of the piece labeled E₂). The edge of said first opening is curved (Figure 1, holes on one side of the casing), and the flange extends beyond said curved edge of said first opening (Figures 1 and 13, wherein the flanges are any plastic that flowed through the holes in the metal strip) as in claims 29 and 30. As in claim 31, the second opening is defined by a second edge in said metal component, said second edge being folded (Figure 1, the folded edge on the part labeled O_R). Regarding claim 32, the plastic part includes attachment holes there through (Figure 1, the holes on the parts labeled 14 and 14'). With regard to claim 33, the first opening comprises a series of openings (Figure 1, holes on one side of the casing). However, Berthelsen fails to disclose having a closed cross section defining an interior and exterior.

Riegelman teaches an integral plastic and metal part (Column 9, lines 26 – 27) having a closed cross section defining an interior and exterior (Figure 18; Column 9, lines 26 – 30) for the purpose of contributing strength to each of the members of the composite (Abstract, lines 2 – 3).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided a closed cross section defining an interior and exterior in Berthelsen in order to contribute strength to each of the members of the composite as taught by Riegelman.

With regard to the limitation of “for allowing a core tool to be inserted into said interior of said metal component during a molding operation” in claim 22, a recitation of the intended

use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Response to Arguments

2. Applicant's arguments filed May 18, 2008 have been fully considered but they are not persuasive.

In response to Applicant's argument that the prior art fails disclose the claimed plastic component and the metal component having a closed cross section with a second opening that is not covered by the plastic component, it is noted that the features upon which applicant relies (i.e., a second opening that is not covered by the plastic component) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

With regard to the limitation of "for allowing a core tool to be inserted into said interior of said metal component during a molding operation" in claim 22, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571)272-1496. The examiner can normally be reached on Mon.-Thurs. from 10:00-7:30 & alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena L. Dye can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patricia L. Nordmeyer
Primary Examiner
Art Unit 1794

/Patricia L. Nordmeyer/
Primary Examiner, Art Unit 1794